

# EXHIBIT A

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

**TABLE 1**

**CLAIM TERMS FROM THE ASSERTED PATENTS  
NETRATINGS, INC. AND/OR COREMETRICS, INC. CONTEND REQUIRE CONSTRUCTION<sup>1</sup>**

<b>Asserted U.S. Patent(s) Nos. and Claims<sup>2</sup></b>	<b>Term</b>	<b>NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE</b>	<b>COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE</b>
5,675,510 [1, 2, 6]; 6,115,680 [1, 3, 11, 12]	local computer use meter/user meter	<p><b>a software program designed to collect information regarding the use of other software programs on a computer on which the software program is installed</b></p> <p><i>See, e.g., '510 patent, col. 1, ll. 36-42, ll. 65-67; col. 2, ll. 21-22; col. 5, ll. 6-11; '680 Patent, col. 2, ll. 28-29; col. 5, ll. 44-49. See also '510 patent, Response to Office Action, 12/26/96, p. 3.</i></p>	<p><b>a device within the client computer that monitors and records occurrences that cause operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function</b></p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 1:51-67; Col. 2:1-11; Col. 5:64-67; Col. 6:1-3, Col. 6:14-Col. 8:8; '680 patent: Col. 1:59-Col. 2:5; Col. 2: 6-18; Col. 6:32-Col. 8:24; Col. 11:32-47; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-348; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037).</p>

<sup>1</sup> The patents asserted in this action by NetRatings, Inc. are: U.S. Patent Nos. 5,675,510; 6,115,680; 6,138,155; 6,763,386; 6,108,637.

<sup>2</sup> Claims in which the term to be construed appear are listed in brackets following the patent number. Unless otherwise indicated, the constructions set forth by the parties are intended to apply to every instance of the construed term within each patent for which the term is listed. To the extent a different form of a term appears elsewhere in the claims, the construction provided is intended to apply, appropriately modified to account for the difference in form.

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5,675,510 [1]; 6,115,680[1, 4, 10-12, 15, 21, 22]	log of predetermined [machine operation] events	<p><b>a record of data regarding the occurrence of pre - selected potential events [related to machine operations]</b></p> <p><i>See, e.g., '510 patent, col. 2, ll. 1-7; ll. 21-50; col. 3, ll. 40-65; col. 4, ll. 56-64; Fig. 1; '680 patent, col. 2, ll. 9-15; ll. 28-56; col. 4, ll. 6-31; col. 5, ll. 24-32; Fig. 1. See also '510 patent, Response to Office Action, 12/26/96, p. 3.</i></p>	<p>Log of predetermined machine operation events means:</p> <p><b>a file stored on the hard drive of the computer that contains time sequential entries for two or more "predetermined machine operation events," each entry including two or more attributes of the associated event. A "predetermined machine operation event" is an occurrence—selected in advance by the person or entity seeking to monitor particular computer use—that causes operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function.</b></p> <p>Log of predetermined events means:</p> <p><b>a file stored on the hard drive of the computer that contains time sequential entries for two or more "predetermined events," each entry including two or more attributes of the associated event. "Predetermined events" means occurrences that cause operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function, and occurrences that cause interception of character strings sent to a communication port or entered into an edit box, where the occurrences of interest are selected in advance by the person or entity seeking to monitor particular computer use.</b></p>

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			<p><b>Intrinsic Evidence:</b> '510 patent: Col. 2:1-11, 28-33; Col. 3:53-65; Col. 7:16-18, 32; Col. 8:10-15; Col. 9:22-35, 38-45; abstract; Col. 1:51-67; Col. 5:64-67; Col. 6:1-3, Col. 6:14-Col. 8:8; Col. 8:10-30; Col. 9:22-35, 393-305; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5).</p> <p><b>Intrinsic Evidence:</b> '680 patent: abstract; Col. 1:59-Col. 2:5; Col. 2:6-19, 35-61; Col. 3:13-16; Col. 4:14-65; Col. 6:32-Col.11:22; Col. 11:32-47, 49-56; Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).</p>
5,675,510 [9, 11]	dictionary	<p><b>a database or file containing entries used to interpret or correlate data</b></p> <p><i>See, e.g.,</i> '510 patent, col. 5, ll. 27-40; Fig. 1. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, p. 4.</p>	<p><b>a file containing entries used to correlate raw data to useful information</b></p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 5:27-33, 37-46; NR000394; December 26, 1996 Response to Office action, p. 4.</p>
5,675,510 [1] 6,115,680 [1, 12]	installed	<p><b>placed on and ready for use by a computer</b></p> <p><i>See, e.g.,</i> '510 patent, col. 2, ll. 21-23; col. 4, ll. 60-64; '680 patent, col. 2, ll. 28-30; col. 5, ll. 28-31.</p>	<p><b>resident on the hard drive of, and ready for execution by, the computer.</b></p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 2:21-23; Col. 2:50-55; Col. 3:6-16, 39-47; Col. 4:59-64; Col. 5:11-15, 64-67; Col. 9:37-39; '680 patent: Col. 2:28-30; Col. 3:17-22, 39-49; Col. 4:6-15; Col. 5:27-31, 48-52; Col. 6:32-</p>

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			35; (NR000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,260)); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97); Shear (4,827,508) NR-CORE001001-001021)); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).
5,675,510 [1, 11] 6,115,680 [1, 3, 12, 14, 15] 6,138,155 [10, 48, 51] 6,763,386 [1, 4, 5, 11, 13, 16, 17, 23] 6,108,637 [38-41]	stored/ stores / storing	<b>placed/places/placing in memory or on a mass storage device</b>  <i>See, e.g.,</i> '510 patent, col. 2, ll. 57-61; '680 patent, col. 3, ll. 23-27; '637 patent, col. 8, ll. 55-60; col. 13, ll. 37-40; col. 18, ll. 15-27; '386 patent, col. 5, ll. 6-7; col. 6, ll. 57-60; col. 8, 23-24; '155 patent, col 5, ll. 1-3; col. 6, ll. 53-54; col. 8, ll. 18-19.	<b>copied/copies/copying to the hard drive of the computer</b>  <b>Intrinsic Evidence:</b> '510 patent: Col. 3:9-21; Col. 4:56-57; Col. 5:33-39; '680 patent, Col. 3:23-27, 42-49, 51-55; Col. 5:15-19, 24-25; Col. 6:3-9, 20-31; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)).
5,675,510 [1]	identify titles of open windows	<b>contains characters identifying open windows</b>  <i>See, e.g.,</i> '510 patent, col. 4, ll. 11-63. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, pp. 3-4.	<b>sets forth the full text that appears in the title bars of open windows</b>  <b>Intrinsic Evidence:</b> '510 patent: Col 2:1-7, 21-33; Col. 4:12-24; Col. 9:38-44; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5).

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Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
5,675,510 [1]	reflects a log of titles of world wide web pages	<p><b>reflects a record of characters useful in identifying world wide web pages</b></p> <p><i>See, e.g., '510 patent, col. 4, ll. 11-63; col. 9, ll. 40-43. See also '510 patent, Response to Office Action, 12/26/96, pp. 3-4.</i></p>	<p><b>includes two or more entries, each entry setting forth the full text that appears in the title bar of the browser window in which a world wide web page is displayed</b></p> <p><b>Intrinsic Evidence:</b> '510 patent: Col 2:1-7, 21-33; Col. 4:12-24; Col. 9:38-44; (NR-CORE000393-95; December 26, 1996 Response to Office Action, pp. 3-5).</p>
5,675,510 [1, 11] 6,115,680 [1, 12] 6,138,155 [1, 8, 21, 22, 33, 38, 48, 51]	generate/ generates/ generating	<p><b>create/creates/creating</b></p> <p><i>See, e.g., '510 patent, col. 4, ll. 52-64; '680 patent, col. 5, ll. 20-32; '155 patent, col. 1, ll. 11-17, 35-46; col. 4, 23-37.</i></p>	<p><b>creating and holding in temporary memory (RAM)</b></p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 5:14-15; Col. 8:2-8; '680 patent: Col. 5:52-53; Col. 8:16-24; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)).</p>
6,115,680 [1, 12]	identifies character strings reflecting on-line activity	<p><b>identifies a group of characters that reflect activity performed on-line</b></p> <p><i>See, e.g., '680 patent, col. 2, ll. 41-56.</i></p>	<p><b>sets forth the character sequences that were intercepted by the use meter while being sent to a communication port or entered into an edit box</b></p> <p><b>Intrinsic Evidence:</b> '680 patent: Col 2:41-61; Col. 3:13-16; Col. 11:49-56; Office Action, dated 6/17/99, p. 2-5; (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99, p. 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).</p>

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6,115,680 [3, 12, 14, 22]	logs/ logging (verb)	<b>records/recording</b>  <i>See, e.g.,</i> '680 patent, col. 2, ll. 28-56; col. 4, ll. 6-31; col. 5, ll. 24-32; Fig 1.	<b>enters/entering into a "log."</b>  <b>Intrinsic Evidence:</b> (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97); Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).
6,115,680 [11, 22]	encrypt encrypted encrypting	<b>encode data to prevent unauthorized access</b>  <i>See, e.g.,</i> '680 Patent, col. 3, ll. 17-28.	<b>transforms to hide original information such that only an authorized entity may, typically through the use of a secret value called a key, reverse transform and access that information</b>  <b>Intrinsic Evidence:</b> '680 patent: Col. 3:17-27.
6,138,155 [1-4, 6-10, 18, 19, 21, 26, 30, 33-36, 38, 41, 45, 48-53]; 6,763,386 [1, 2, 4, 5, 8, 10-14, 16, 17, 20, 22, 23, 24]	resource	<b>computer data or program, such in the form of a Web page or part of a Web page, images, an ad banner, or an interactive game</b>  <i>See, e.g.,</i> '386 patent, col. 5, ll. 15-21; col. 7, ll. 6-12; col. 8, ll. 16-22; col. 13, ll. 54-61; '155 patent, col. 5, ll. 11-17; col. 7, ll. 10-16; col. 8, ll. 12-18; col. 13, ll. 58-65.	<b>a file, such as a web page or ad banner, that is located on a server and that is distinct from a tracking program or an executable program</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 1:1, 18; Col. 4:12-17; 44-45; Col. 5:16-21; Col. 8:16-19.
6,138,155 [1-4, 6-8, 25, 26,	executable program	<b>computer program that can be run on a computer</b>	<b>a pre-existing sequence of computational instructions written in a programming language, intended and</b>

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29, 33-36, 38, 41, 44, 48, 51]		<i>See, e.g.</i> , '155 patent, col. 5, ll. 27-48; col. 8, ll. 13-59; col. 10, ll. 58-65.	<b>ready to be run in the client machine</b>  <b>Intrinsic Evidence:</b> '155 patent: abstract; Col. 5:49-50; Col. 17:42-46.
6,138,155 [1, 33, 48, 51]	executable program not being part of the resource	<b>executable program not contained within the resource</b>  <i>See, e.g.</i> , '155 patent, col. 8, ll. 13-59; col. 9, ll. 9-16; col. 10, ll. 27-67; col. 11, ll. 2-19. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 11.	<b>all of the pre-existing computational instructions of the "executable program" are found entirely outside the "resource"</b>  <b>Intrinsic Evidence:</b> '155 patent: abstract; Col. 4:44-47; Col. 8:16-18.
6,138,155 [25]	Java programming language	<b>one of the Java family of languages originally developed by Sun Microsystems used to create computer programs, and other companies' versions thereof</b>  <i>See, e.g.</i> , '155 patent, col. 9, l. 53 – col. 10, l. 64.	<b>a programming language created by Sun Microsystems, which includes the following versions: Java 1.0 (1996); Java 1.1 (1997); Java 1.2 (1998; a.k.a. "Java 2"); Java 1.3 (2000; a.k.a. "Java 2 version 1.3"); Java 1.4 (2001; a.k.a. "Java 2, version 1.4"); Java 1.5 (2004; a.k.a. "Java 2, version 1.5.0" and "Java 5.0"); and subsequent versions of the foregoing</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 9:53-56; Col. 10:15-22, 36-40, 52-56.
6,138,155 [1, 10, 33, 48]	client identifying indicia	<b>any information that can be used to associate data with a client</b>  <i>See, e.g.</i> , '155 patent, col. 4, ll. 28-37; col. 6, l. 48 - col. 7, l. 5; col. 10, l. 65 - col. 11, l. 40.	<b>any information that can be used to ascribe two or more events to the same client</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 5:44-47; Col. 10:65-Col. 11:11; Col. 11:16-22; (NR-CORE0001265; "Attorney's Statement In Support of Petition to Make Special Under 37 CFR § 1.102(d), p. 7).

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6,138,155 [2, 4, 6, 7, 8, 34]	user action(s)	<b>performance of an action by a user</b>  <i>See, e.g.,</i> '155 patent, col. 4, ll. 28-66; col. 5, ll. 8-17; col. 8, ll. 12-59; col. 13, ll. 44-61; col. 19, ll. 9-46.	<b>the activation of an input device by a user</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 13:25-50; Col. 14:5-20; Fig. 5; Fig. 6.
6,138,155 [18]	data representative of a plurality of preferences of a user	<b>information from which a user's preferences can be determined</b>  <i>See, e.g.,</i> '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10.	<b>information describing two or more items that a user favors over other alternatives</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 2:1-55; Col. 13:4-11.
6,138,155 [19]	data representative of a plurality of interests of a user	<b>information from which a user's interests can be determined</b>  <i>See, e.g.,</i> '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10.	<b>information describing two or more items that a user is interested in</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 1:61-67; Col. 2:1-55; Col. 14:1-48.
6,138,155 [21]	does not require the active participation of a user	<b>does not require a user to specifically enter resource use data</b>  <i>See, e.g.,</i> '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10; col. 17, ll. 15-33. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 8.	<b>does not require the user to activate an input device after the resource has been downloaded to the first client</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 2:1-55; (NR-CORE0001265-66; Attorney's Statement In Support of Petition to Make Special Under 37 CFR § 1.102(d), p. 7-8); (NR-CORE0001331-40; "Core Java" by Gary Cornell and Cay S. Horstmann).

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6,763,386 [1, 3, 9, 13, 15, 21]	tracking program	<p><b>computer readable code that monitors use of a computer</b></p> <p><i>See, e.g., '155 patent, col. 8, ll. 13-59; col. 10, ll. 58-65.</i></p>	<p><b>a pre-existing sequence of computational, executable instructions written in a programming language, intended to be run in the client machine, for observing and recording a plurality of selected occurrences over time</b></p> <p><b>Intrinsic Evidence:</b> '386 patent: Col. 5:53-63; Col. 8:43-49; Col. 9:14-56; Col. 11:29-40; Col. 12:23-43; Col. 13:28-31, 48-53; Col. 14:33-52; Col. 16:44-54; Col. 17:5-37.</p>
6,763,386 [3, 15]	embedded	<p><b>contained within or incorporated by reference</b></p> <p><i>See, e.g., '386 patent, col. 3, ll. 42-47; col. 4, ll. 42-55; col. 5, ll. 22-41; col. 8, ll. 49-63. See also '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), pp. 8, 10-11.</i></p>	<p><b>entirely contained or encapsulated within</b></p> <p><b>Intrinsic Evidence:</b> '386 patent: Col. 9:4-7; Col. 4:47-49; Col. 8:16-19, 41-43.</p>
6,763,386 [6, 18]	monitoring input device events	<p><b>monitoring operations performed using an input device</b></p> <p><i>See, e.g., '386 patent, col. 4, ll. 55-61; col. 8, ll. 27-30 and 43-49; col. 9, ll. 8-13.</i></p>	<p><b>monitoring operations performed on an input device as they are performed</b></p> <p><b>Intrinsic Evidence:</b> '386 patent: abstract; Col. 4:55-58; Col. 8:23-30, 43-49.</p>
6,763,386 [1, 4, 5, 11-13, 16, 17, 23, 24]	resource use data	<p><b>information describing or derived from use of a resource</b></p> <p><i>See, e.g., '386 patent, col. 1, ll. 15-22; col. 4, l. 47- col. 5, l. 11; col. 8, ll. 16-31; col. 9, l. 6-26; col.11, ll. 23-43; col.</i></p>	<p><b>information describing or derived from two or more actions taken by a user of a client computer while using a "resource"</b></p> <p><b>Intrinsic Evidence:</b> '386 patent: Col. 1:1, 18; Col.</p>

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		12, l. 61 - col. 13, l. 26; col. 14, l. 31 - col. 14, l. 14.	4:12-17; 44-45; Col. 5:16-21; Col. 8:16-19; Col. 9:14-56; Col. 11:29-40; Col. 12:23-43; Col. 13:28-31, 48-53; Col. 14:33-52
6,763,386 [1, 13]	monitor interaction through the client computer with at least one of the first resource and one or more second resources	<b>monitor interaction through the user computer with a first or second resource</b>  <i>See, e.g.,</i> '386 patent, col. 2, l. 61 – col. 3, l. 22; col. 8, ll. 16-31; col. 13, l. 56 – col. 14, l. 55, col. 17, ll. 19-37; col. 19, ll. 26-33.	<b>monitor the user's interaction with at least two distinct "resources"</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 3:4-14, Col. 13:28-Col. 14:25; Col. 14:31-52.
6,763,386 [10, 22]	monitoring details of choices made by a user	<b>monitoring details of two or more choices made by a user</b>  <i>See, e.g.,</i> '386 patent, col. 4, ll. 33-64; col. 8, ll. 16-64. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 11.	<b>monitoring two or more aspects of two or more selections made by a user</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 4:34-42; Col. 4:55-60; Col. 8:26-30, 40-46; Col. 11:29-43; Col. 14:9-27, 39-53.
6,763,386 [10, 22]	choices being associated with at least one of the first resource and the one or more second resources	<b>choices being associated with a first or second resource</b>  <i>See, e.g.,</i> '386 patent, col. 4, ll. 33-64; col. 8, ll. 16-64.	<b>choices being made in connection with each of at least two distinct resources</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 3:4-14, Col. 13:28-Col. 14:25; Col. 14:31-52.
6,763,386 [13]	computer usable medium	<b>one or more devices on which data may be stored in a form a computer can use or read</b>	<b>a single computer usable/ readable storage device</b>
6,108,637	computer readable	<i>See, e.g.,</i> '386 patent, col. 6, l. 52 - col. 7, l. 9; col. 7, l. 40	

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## JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
[57-60, 62-65]	medium	- col. 8, l. 8; col. 8, ll. 31-40; col. 9, l. 27-56; Figs. 2 and 3; '637 Patent, col. 2, ll. 6-36; col. 10, ll. 22-58; col. 11, ll. 38-56; col. 23, ll. 14-26.	
6,763,386 [13]	program code which, when executed on a computerized device, causes the computerized device to execute, in a computer network comprising one or more servers and one or more clients, a method	<p><b>program code that, when executed on one or more computerized devices in a network, causes the computerized device(s) to perform the method set forth in the claim</b></p> <p><i>See, e.g., '386 patent, col. 6, l. 52 - col. 7, l. 9; col. 7., l. 40 - col. 8, l. 8; col. 8, ll. 31-40; col. 9, ll. 27-56; Figs. 2 and 3.</i></p>	<p><b>the program code that, when executed on a computer in a network, causes that computer to perform the method set forth in the claim</b></p> <p><b>Intrinsic Evidence:</b> '386 patent: Col. 8:41-63; Col. 12:23-60.</p>
6,108,637 [11, 12, 16, 28, 33, 57, 58, 62]	characteristic of a content display	<p><b>characteristic of a content display:</b> <b>a characteristic of any sensory image produced by a device or a characteristic of data used to produce a sensory image on a device</b></p> <p><b>characteristic:</b> <b>a distinguishing attribute, element, trait, quality or property</b></p> <p><i>See, e.g., '637 patent, col. 7, ll. 4-30; col. 10, ll. 15-21; col. 13, l. 59 - col. 15, l. 63; col. 16, l. 5 - col. 17, l. 6; col. 17, l. 59 - col. 18, l. 10; col. 18, l. 50 - col. 19, l. 24; Figs. 4A, 4B, 4C. See also '637 patent, Office Action, 3/3/99,</i></p>	<p>Coremetrics contends that the term "characteristic" is indefinite, and that the phrase "characteristic of a content display" is therefore indefinite as well.</p> <p><b>Intrinsic Evidence:</b> (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August 17, 1999 Office Action).</p>

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## JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
		p. 2, ¶ 6; Response to Office Action, 6/3/99, p. 6; Office Action, 8/17/99, p. 3.	
6,108,637 [11, 12, 16, 18, 25, 28, 30, 33, 36, 57-60, 62, 65]	content display	<b>See construction above for “characteristic of a content display.”</b>	<b>presentation of content so that it is visible to a user</b>  <b>Intrinsic Evidence:</b> ‘637 patent: Col. 3:25-36; Col. 4:20-26; Col. 6:44-48; Col. 7:4-30; Col. 10:14-17; (NR-CORE000648; June 3, 1998 Response to Office Action, p. 11); (NR-CORE000592-000605, Curran et al.).
6,108,637 [11, 13, 16, 18, 30, 33, 36, 40, 57, 59, 62, 64, 65]	display of content	<b>production of any sensory image</b>  <i>See, e.g.,</i> ‘637 patent, col. 6, ll. 43-56; col. 10, ll. 15-21; col. 10, ll. 26-29.	[Note: Coremetrics contends that “display of content” has the same definition as “content display” (see immediately above).]  <b>Presentation of content so that it is visible to a user</b>  <b>Intrinsic evidence:</b> ‘637 patent: Col. 3:25-36; Col. 4:20-26; Col. 6:44-48; Col. 7:4-30; Col. 10:14-17; (NR-CORE000648; June 3, 1998 Response to Office Action, p. 11); (NR-CORE000592-000605, Curran et al.).
6,108,637 [59]	begin executing when the beginning of a display of the content is ascertained	<b>begin executing when it is determined that the content is beginning to be displayed</b>  <i>See, e.g.,</i> ‘637 patent, col. 11, ll. 57 - col. 12, l. 39; col. 12, ll. 59-67; col. 13, ll. 31-58; col. 14, ll. 27-40; col. 16, ll. 17-50.	<b>starts running only after it is determined that the content to be monitored is fully visible to the user</b>  <b>Intrinsic Evidence:</b> ‘637 patent: Col. 13:51-58.
6,108,637 [59]	stop executing when the end of a	<b>stop executing when it is determined that the content is no longer being displayed</b>	<b>stops running only after it is determined that the content to be monitored is no longer fully visible to</b>

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**JOINT CLAIM CONSTRUCTION CHART**

Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
	display of the content is ascertained	<i>See, e.g.</i> , '637 patent, col. 11, l. 57 - col. 12, l. 39; col. 12, ll. 59-67; col 13, ll. 31-58; col. 14, ll. 27-40; col. 16, ll. 17-50.	<b>the user</b>  <b>Intrinsic Evidence:</b> '637 patent: Col. 13:51-58.

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**TABLE 2**

**IDENTIFICATION OF 35 U.S.C. 112 (6) ISSUES**

With respect to the claim elements contained in this Table 2, both NetRatings and Coremetrics agree that each element which begins “means for” is governed by 35 U.S.C. 112(6). These are numbers 1, 3, 5, 7, 9-11, 13, 15, 17, 19-20, 22-28 on the Table. However, Coremetrics contends that certain other elements from the asserted patents should also be governed by 35 U.S.C. 112(6). NetRatings disagrees with Coremetrics’ contention. The elements about which there is disagreement as to the appropriate treatment are numbers 2, 4, 6, 8, 12, 14, 16, 18, 21, 29-33 on the Table.

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings’ Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics’ Designation of Function, Structure and Intrinsic Evidence
1.	6,108,637 [11]	means for monitoring the change in time of a characteristic of a content display	<p><b>Function:</b> monitoring the change in time of a characteristic of a content display</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66 - Col. 8, l. 5; Col. 8, ll. 29-37; Col. 10, l. 58 - Col. 11, l. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13, 21-22, 29-34, 39-55; Col. 12, ll. 1-9; Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “monitoring the change in time of a characteristic of a content display.” Coremetrics contends that the term “characteristic” is indefinite, rendering this claim element indefinite as well.</p> <p><b>Corresponding structure :</b> The only “structure” described in the specification of the patent for performing certain types of monitoring is a generic, unspecified Java Applet to deliver both content and Java code that performs the monitoring using pre-existing and unspecified Java methods. The specification fails to describe any other corresponding structure for this element, fails to provide any example of the actual code that would be contained within the generic Java Applet mentioned, and fails to provide further explanation of what other code could be used or what other types of “monitoring information” could be gathered or produced by that code. For these</p>

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
				<p>reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.</p> <p><b>Intrinsic evidence:</b> '637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; (NR-CORE000691; 964); (NR-CORE000710--711; 713; October 22, 1999 Response to Office Action, p. 12-13; 15); (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August 17, 1999 Office Action).</p>
2.	6,108,637 [57]	instructions for monitoring the change in time of a characteristic of a content display	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 1.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> '637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; (NR-CORE000650-653; June 3, 1999 Response to Office Action, p.15-16); (NR-CORE000718; Reasons for Allowance); (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August</p>

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
				17, 1999 Office Action)
3.	6,108,637 [16, 28, 33]	means for monitoring the change in time of a characteristic of the content display	<p><b>Function:</b> monitoring the change in time of a characteristic of the content display</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "monitoring the change in time of a characteristic of the content display." Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 1.</p>
4.	6,108,637 [62]	instructions for monitoring the change in time of a characteristic of the content display	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 3.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 2.</p>

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
5.	6,108,637 [12]	means for monitoring the change in time of a characteristic of the computer system	<p><b>Function:</b> monitoring the change in time of a characteristic of the computer system</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "monitoring the change in time of a characteristic of the computer system." Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 1.</p>
6.	6,108,637 [58]	instructions for monitoring the change in time of a characteristic of the computer system	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 5.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 2.</p>
7.	6,108,637 [13, 18, 36]	means for monitoring display of the	<p><b>Function:</b> monitoring display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is</p>

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
		content	<p>the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>“monitoring display of the content.”</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> ‘637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; . (NR-CORE00691; 964); (NR-CORE000710--711; 713; October 22, 1999 Response to Office Action, p. 12-13; 15)</p>
8.	6,108,637 [59]	instructions for monitoring display of the content	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 7.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> ‘637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; (NR-CORE000650-653; June 3, 1999 Response to Office Action, p.15-16); (NR-CORE000718; Reasons for Allowance).</p>
9.	6,108,637 [30]	means for monitoring the	<b>Function:</b> monitoring the display of content to produce monitoring information regarding display of the content	This claim element is governed by 35 U.S.C. § 112(6).

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## JOINT CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
		display of content to produce monitoring information regarding display of the content	<p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p><b>Function:</b> The function of this claim element is “monitoring the display of content to produce monitoring information regarding display of the content.”</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 7.</p>
10.	6,108,637 [18, 36]	means for monitoring display of the content to produce monitoring information regarding display of the content	<p><b>Function:</b> monitoring display of the content to produce monitoring information regarding display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14,</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “monitoring display of the content to produce monitoring information regarding display of the content.”</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 7.</p>

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
			38-67Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.	
11.	6,108,637 [17]	means for determining the duration of the display of the content	<p><b>Function:</b> determining the duration of the display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “determining the duration of the display of the content.”</p> <p><b>Structure:</b> The only "structure" described in the specification of the patent is a generic, unspecified Java Applet to deliver both content and Java code that somehow uses time stamps, said to be ascertainable through an unspecified method that exists as part of the Java language, to ascertain the beginning or end of a display of content, by determining when the Java Applet starts or stops running. The specification fails to describe any other corresponding structure for this element, fails to provide any example of the actual code that would be contained within the generic Java Applet mentioned, and fails to provide further explanation of what other code could be used to ascertain the end of a display of the content. For these reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.</p> <p><b>Intrinsic evidence:</b> same as element 7.</p>

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## JOINT CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
12.	6,108,637 [63]	instructions for determining the duration of the display of the content	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 11.</p> <p><b>Structure:</b> same as element 11.</p> <p><b>Intrinsic evidence:</b> same as element 8.</p>
13.	6,108,637 [13, 29, 34]	means for ascertaining the beginning of a display of the content	<p><b>Function:</b> ascertaining the beginning of a display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "ascertaining the beginning of a display of the content."</p> <p><b>Structure:</b> same as element 11.</p> <p><b>Intrinsic evidence:</b> same as element 7.</p>
14.	6,108,637 [59]	instructions for ascertaining the beginning of a	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p>

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		display of content	other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.	<p><b>Function:</b> same as element 13.</p> <p><b>Structure:</b> same as element 11.</p> <p><b>Intrinsic evidence:</b> same as element 8.</p>
15.	6,108,637 [13, 29, 34]	means for ascertaining the end of a display of the content	<p><b>Function:</b> ascertaining the end of a display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58- Col. 11, ll. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9, Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “ascertaining the end of a display of the content.”</p> <p><b>Structure:</b> same as element 11.</p> <p><b>Intrinsic evidence:</b> same as element 7.</p>
16.	6,108,637 [59]	instructions for ascertaining the end of a display of the content	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 15.</p> <p><b>Structure:</b> same as element 11.</p>

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				<b>Intrinsic evidence</b> : same as element 8
17.	6,108,637 [11, 16]	means for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content	<p><b>Function:</b> evaluating the change in time of a characteristic of the content display to produce monitoring information regarding display of the content</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 22-- Col. 11, ll. 2; Col. 11, ll. 9-14, 37-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9; Col. 20, l. 64-Col. 21, l. 6; Col. 21, ll. 24-26; Col. 22, ll. 17-24; Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content." Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Structure</b> : same as element 1.</p> <p><b>Intrinsic evidence</b> : same as element 1.</p>
18.	6,108,637 [57, 62]	instructions for evaluating the change in time of the characteristic of the content display to produce	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 17.</p> <p><b>Structure</b> : same as element 1.</p> <p><b>Intrinsic evidence</b> : same as element 2.</p>

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		monitoring information regarding display of the content		
19.	6,108,637 [11, 16, 28, 33]	means for evaluating the change in time of the characteristic of the content display to produce monitoring information	<p><b>Function:</b> evaluating the change in time of the characteristic of the content display to produce monitoring information</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 22-- Col. 11, ll. 2; Col. 11, ll. 9-14, 37-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9; Col. 20, l. 64-Col. 21, l. 6; Col. 21, ll. 24-26; Col. 22, ll. 17-24; Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "evaluating the change in time of the characteristic of the content display to produce monitoring information." Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 1.</p>
20.	6,108,637 [12]	means for comparing the change in time of the characteristic of the content	<p><b>Function:</b> comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system to produce the monitoring information</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "comparing the change in time of the characteristic of the content display to the change in time of the</p>

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		display to the change in time of the characteristic of the computer system to produce the monitoring information	<p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66- col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 22-- Col. 11, ll. 2; Col. 11, ll. 9-14, 37-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13; ll. 21-22; ll. 29-34; ll. 39-55; Col. 12, ll. 1-9; Col. 20, l. 64-Col. 21, l. 6; Col. 21, ll. 24-26; Col. 22, ll. 17-24; Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>characteristic of the computer system to produce the monitoring information.” Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 1.</p>
21.	6,108,637 [58]	instructions for comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system to produce the monitoring information	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 20.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 2.</p>

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22.	6,108,637 [18]	means for transferring the means for monitoring from the content provider site to the content display site in response to the transfer of content from a content provider site	<p><b>Function:</b> transferring the means for monitoring from the content provider site to the content display site in response to the transfer of content from a content provider site</p> <p><b>Structure:</b> A set of computer instructions implemented on a content provider site as described in the specification sections cited below, and a set of computer instructions implemented on a content display site as described in the specification sections cited below, linked by a communication network as described in the specification sections cited below, and all structural equivalents of such sets of computer instructions and communication network.</p> <p><b>Specification citations:</b> Col. 6, ll. 57-67; Col. 7, ll. 1-3; Col. 7, ll. 66-Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 8, ll. 43-49; Col. 10, ll. 22-67; Col. 11, l. 15-Col. 12, l. 39; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 22, ll. 2-11; Col. 23, ll. 56-60; Col. 25, ll. 13-27; Col. 25, ll. 32-45; Figs. 3A-3B, 5A-5C, 6A-6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “transferring the means for monitoring from the content provider site to the content display site in response to the transfer of content from a content provider site.”</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> ‘637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23.</p>
23.	6,108,637 [30]	means for transferring the means for monitoring from the content provider site to the content display site so that the means for	<p><b>Function:</b> transferring the means for monitoring from the content provider site to the content display site so that the means for monitoring operates at the content display site</p> <p><b>Structure:</b> A set of computer instructions implemented on a content provider site as described in the specification sections cited below, and a set of computer instructions implemented on a content display site as described in the specification sections cited below, linked by a</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “transferring the means for monitoring from the content provider site to the content display site so that the means for monitoring operates at the content display site.”</p>

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		monitoring operates at the content display site	<p>communication network as described in the specification sections cited below, and all structural equivalents of such sets of computer instructions and communication network.</p> <p><b>Specification citations:</b> Col. 6, ll. 57-67; Col. 7, ll. 1-3; Col. 7, ll. 66-Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 8, ll. 43-49; Col. 10, ll. 22-67; Col. 11, l. 15-Col. 12, l. 39; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 22, ll. 2-11; Col. 23, ll. 56-60; Col. 25, ll. 13-27; Col. 25, ll. 32-45; Figs. 3A-3B, 5A-5C, 6A-6D.</p>	<p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 22.</p>
24.	6,108,637 [20, 35]	means for transferring the monitoring information to a remote site that is part of the network	<p><b>Function:</b> transferring the monitoring information to a remote site that is part of the network</p> <p><b>Structure:</b> A set of computer instructions implemented on a content display site as described in the specification sections cited below, and a set of computer instructions implemented on a remote site as described in the specification sections cited below, linked by a communication network as described in the specification sections cited below, and all structural equivalents of such sets of computer instructions and communication network.</p> <p><b>Specification citations:</b> Col. 6, ll. 57-67; Col. 7, ll. 1-3; Col. 7, ll. 66-Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 8, ll. 43-49; Col. 10, ll. 22-67; Col. 11, l. 15-Col. 12, l. 39; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 22, ll. 2-11; Col. 23, ll. 56-60; Col. 25, ll. 13-27; Col. 25, ll. 32-45; Figs. 3A-3B, 5A-5C, 6A-6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "transferring the monitoring information to a remote site that is part of the network."</p> <p><b>Structure:</b> The corresponding "structure" described in the specification of the patent is the use of a spurious http request for a file having a "name" that denotes the monitoring data in some way, or the use of a request for execution of a CGI script in which the input parameter for the request is set to denote the monitoring information in some way. The specification fails to describe any other corresponding structure for this element, fails to provide any example of an actual spurious http request, CGI script request, or the code for server-side programs needed to process the same, and fails to provide further explanation of what other</p>

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				ways that the monitoring information could be transmitted from the user's computer to another computer. For these reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.  <b>Intrinsic evidence:</b> '637 patent, Col. 20: 4-12; Col. 20:23-29; Col. 20:57-Col. 21:6.
25.	6,108,637 [36]	means for transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site	<p><b>Function:</b> transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site</p> <p><b>Structure:</b> A set of computer instructions implemented on a content display site as described in the specification sections cited below, and a set of computer instructions implemented on a remote site as described in the specification sections cited below, linked by a communication network as described in the specification sections cited below, and all structural equivalents of such sets of computer instructions and communication network.</p> <p><b>Specification citations:</b> Col. 6, ll. 57-67; Col. 7, ll. 1-3; Col. 7, ll. 66-Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 8, ll. 43-49; Col. 10, ll. 22-67; Col. 11, l. 15-Col. 12, l. 39; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 22, ll. 2-11; Col. 23, ll. 56-60; Col. 25, ll. 13-27; Col. 25, ll. 32-45; Figs. 3A-3B, 5A-5C, 6A-6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site."</p> <p><b>Structure:</b> The corresponding "structure" described in the specification of the patent is the use of a spurious http request for a file having a "name" that denotes the monitoring data in some way, or the use of a request for execution of a CGI script in which the input parameter for the request is set to denote the monitoring information in some way and in which the script runs on the content provider site and immediately forwards received information to an application manager site. The specification fails to describe any other corresponding structure for this element, fails to provide any example of an actual spurious http request, CGI script request, or the code for server-side programs</p>

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				to process the same, and fails to provide further explanation of what other ways that the monitoring information could be transmitted from the user's computer to another computer. For these reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.  <b>Intrinsic evidence</b> : same as element 24.
26.	6,108,637 [38, 39, 40]	means for storing monitoring information at the remote site	<b>Function:</b> storing monitoring information at the remote site  <b>Structure:</b> Any appropriate database on a computer system at the remote site as described in the specification sections cited below, and all structural equivalents of such database.  <b>Specifications citations:</b> Col. 10, ll. 22-58; Col. 11, ll. 37-56; Col. 21, ll. 18-21; Col. 22, ll. 51-60; Col. 23, ll. 10-14; Figs. 3A-3B, 5A-5C, 6A-6D.	This claim element is governed by 35 U.S.C. § 112(6).  <b>Function:</b> The function of this claim element is "storing monitoring information at the remote site."  <b>Structure:</b> The only "structure" described in the specification of the patent is a database on a computer at the application manager's site.  <b>Intrinsic evidence</b> : '637 patent: Col. 21:18-21; Col. 23:10-13.
27.	6,108,637 [41]	means for accessing the monitoring information stored at the remote site from a site on the	<b>Function:</b> accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that the user at the other site can interact with the monitoring information but cannot modify the monitoring information  <b>Structure:</b> A set of computer instructions implemented on	This claim element is governed by 35 U.S.C. § 112(6).  <b>Function:</b> The function of this claim element is "accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that the user at the other site can interact with the monitoring information but cannot

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		network other than the remote site, such that the user at the other site can interact with the monitoring information but cannot modify the monitoring information	<p>a computer system as described in the specification sections cited below, and all structural equivalents of such set of computer instructions.</p> <p><b>Specifications citations:</b> Col. 10, ll. 22-58; Col. 11, ll. 37-56; Col. 21, ll. 21-24; Col. 23, ll. 14-24; Col. 24, ll. 41-46; Figs. 3A-3B, 5A-5C, 6A-6D.</p>	<p>modify the monitoring information.”</p> <p><b>Structure:</b> The corresponding "structure" described in the specification of the patent is an unspecified set of computer instructions for creating a user interface, or GUI, which allows an individual from the content provider site to access the monitoring information gathered by the generic Java applet, only after this monitoring information has been stored at an independent application manager site. Such access must also be limited in such a way that the individual from the content provider site cannot modify the monitoring information, however, the patent does not disclose how this is to be accomplished. Such access must also allow for the individual from the content provider site to view the monitoring information in “any desired format” such as “graphs, bar charts, pie charts” however the patent does not disclose how this is to be accomplished. For these reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.</p> <p><b>Intrinsic evidence:</b> ‘637 patent: Col. 21:18-32; Col. 21:64- Col. 25:27.</p>
28.	5,675,510 [9]	means for interpreting the logged machine operation events	<p><b>Function:</b> interpreting the logged machine operation events by reference to the dictionary</p> <p><b>Structure:</b> A processing system programmed to perform</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “interpreting the logged machine operation events by</p>

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		by reference to the dictionary	the recited function, as described in the specification sections cited below, and all structural equivalents of such processing system.  <b>Specifications citations:</b> Col. 1, ll. 57-60; Col. 2, ll. 63-67; Col. 5, ll. 23-40; Col. 5, ll. 51-63; Fig. 1.	reference to the dictionary.”  <b>Structure:</b> The corresponding “structure” described in the specification of the patent is database management system 4 in Figure 1. However, the patent does not give any examples or provide any further detail about this structure.  <b>Intrinsic evidence:</b> ‘510 patent: Col. 5:27-30; Col. 5:34-40.
29.	6,108,637 [59, 60, 64]	display instruction	<b>This term is not subject to 35 U.S.C. 112(6).</b>  In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.	This claim element is governed by 35 U.S.C. § 112(6).  <b>Function:</b> The function of this means-plus-function element is “causing content to be displayed by the computer system.”  <b>Structure:</b> same as element 1.  <b>Intrinsic evidence:</b> ‘637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23.
30.	6,108,637 [64]	instructions for causing content to be displayed by the computer system	<b>This element is not subject to 35 U.S.C. 112(6).</b>  In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of	This claim element is governed by 35 U.S.C. § 112(6).  <b>Function:</b> same as element 29.

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## JOINT CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
			ordinary skill in the art at the time of the invention.	<p><b>Structure</b>: same as element 1.</p> <p><b>Intrinsic evidence</b>: same as element 8.</p>
31.	6,108,637 [64]	instructions for monitoring display of content by the computer system to produce monitoring information regarding the display of the content, wherein the monitoring instructions are integrated with the display instructions such that execution of the display instructions causes execution of the monitoring instructions	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function</b>: The function of this claim element is “monitoring display of content by the computer system to produce monitoring information regarding the display of the content, wherein the monitoring instructions are integrated with the display instructions such that execution of the display instructions causes execution of the monitoring instructions.”</p> <p><b>Structure</b>: same as element 1.</p> <p><b>Intrinsic evidence</b>: same as element 8.</p>
32.	6,108,637 [65]	instructions, adapted for use at	<b>This element is not subject to 35 U.S.C. 112(6).</b>	This claim element is governed by 35 U.S.C. § 112(6).

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

## EXHIBIT A

## JOINT CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
		the content display site, for monitoring display of content at the content display site to produce monitoring information regarding display of the content	In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.	<p><b>Function:</b> The function of this claim element is “monitoring display of content at the content display site to produce monitoring information regarding display of the content.”</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> same as element 8.</p>
33.	6,108,637 [65]	instructions for receiving monitoring information from the content display site	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is “receiving monitoring information from the content display site.”</p> <p><b>Structure:</b> same as element 24.</p> <p><b>Intrinsic evidence:</b> ‘637 patent, Col. 20: 4-12; Col. 20:23-29; Col. 20:57-Col. 21:6.</p>